

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT IN TITLE IX ATHLETICS  
LITIGATION AND NOTICE OF A FAIRNESS HEARING**

**ATTENTION: ALL PRESENT, FUTURE, AND POTENTIAL WOMEN STUDENTS AT  
UNIVERSITY OF CENTRAL OKLAHOMA WHO PARTICIPATE OR WILL SEEK TO  
PARTICIPATE IN INTERCOLLEGIATE ATHLETICS AT THE UNIVERSITY OF  
CENTRAL OKLAHOMA.**

**The United States District Court For The Western District of Oklahoma Has Authorized This Notice. It Is Not A Solicitation Or Advertisement From A Lawyer. You Are Not Being Sued. You Have Received This Notice Because You Have Been Identified As A Person Who May Be A Member Of The Class In This Lawsuit, And The Proposed Settlement Of The Lawsuit, If Approved, May Affect Your Legal Rights. You Should Read This Notice Carefully.**

If you are a female student who attended or will attend the University of Central Oklahoma from September 20, 2022 through June 30, 2028, and who participated in intercollegiate athletics at the university, will seek to participate in intercollege athletics at the university, and/or are or were deterred from participating in intercollegiate athletics at the University of Central Oklahoma because you may not receive athletic benefits, athletic opportunities, or athletic treatment equal to male student-athletes at the University of Central Oklahoma, you may be a member of the class affected by this lawsuit.

The purpose of this notice is to inform you of a proposed settlement of a lawsuit that may affect your legal rights. This notice includes information about the proposed settlement, information regarding a fairness hearing scheduled by the Court, and the process for being heard by the Court. This is a court-authorized notice.

**INTRODUCTION**

This notice is to inform you about a proposed Settlement Agreement in a Title IX class action lawsuit brought by Plaintiffs, who were two female student-athletes, against the University of Central Oklahoma (“UCO” or the “University”). The lawsuit is pending in the United States District Court for the Western District of Oklahoma and the case is titled *Robertson, et al. v. University of Central Oklahoma, et al.*, Case No. 22-cv-836-HE.

The two female student-athletes filed the case on behalf of a class (hereinafter “Plaintiff Class”) of all the female students at UCO from September 20, 2022 through June 30, 2028, who participated, are currently participating, or seek to participate in intercollegiate athletics at UCO and/or were or are deterred from participating because they may not receive athletic benefits, opportunities, treatment equal to male student-athletes at UCO.

**YOU MAY BE A MEMBER OF THE PLAINTIFF CLASS IN THIS LITIGATION.**

The named plaintiffs and the University have reached a settlement in the litigation. The terms of this settlement are contained in a proposed Settlement Agreement (hereinafter “Settlement”) and the Court has granted preliminary approval of that Settlement. After all potential class members are provided with notice of the settlement terms and a hearing is held to determine

the fairness of the settlement for the class and the Settlement must be approved by the Court before it can go into effect.

The entire Settlement Agreement, detailing all terms of the settlement, may be reviewed and/or downloaded at [URL LINK HERE FOR BAILEY & GLASSER WEBSITE] or [URL LINK HERE FOR UCO WEBSITE].

You can also obtain a copy by any of the follow methods:

- Visiting the Clerk of Court's office of the U.S. District Court for the Western District of Oklahoma, 200 N.W. 4th St. Oklahoma City, OK 73102 or
- Contacting Plaintiffs' attorneys:
  - Lori Bullock (515-416-9050; [lbullock@baileyglasser.com](mailto:lbullock@baileyglasser.com)),
  - Joshua Hammack (202-463-2101; [jhammack@baileyglasser.com](mailto:jhammack@baileyglasser.com)), or
  - Arthur Bryant (510-272-8000; [abryant@baileyglasser.com](mailto:abryant@baileyglasser.com))

**YOU HAVE THE RIGHT TO BE HEARD IN COURT BEFORE THE FINAL  
SETTLEMENT AGREEMENT IS APPROVED.**

<b>SUMMARY OF YOUR RIGHTS AND OPTIONS</b>		
<b>YOUR OPTIONS</b>	<b>RESULTS</b>	<b>DUE DATE</b>
<b>ACCEPT OR DO NOT OPPOSE THE PROPOSED SETTLEMENT</b>	If you accept or do not oppose the proposed Settlement, you do not need to do anything. See Questions 9 and 18 for more information.	None
<b>COMMENT ON OR OBJECT TO THE PROPOSED SETTLEMENT</b>	If you want to comment on or object to the terms of the proposed Settlement, you may tell the Court why you do or do not like the terms of the proposed settlement. Instructions for giving a comment or objection are described later in this notice. See Question 13 for more information.	[insert due date for objections]
<b>APPEAR AT THE “FAIRNESS HEARING”</b>	If you have filed a written comment or objection by [DATE], and wish to be heard by the Court, you may appear virtually at the “Fairness Hearing” on [DATE]. See Questions 14 through 17 for more information.	[insert date of fairness hearing]

If you do not understand the information in this notice, you should contact one or more of the attorneys for the Plaintiffs listed at the end of this notice. You may also, if you want, contact your own attorney.

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### **Case Information**

**1. What is the purpose of this Notice?** This Notice is to explain the lawsuit, the proposed settlement, and your legal rights and how to exercise them. Its purpose is to notify as many Class Members as possible of the proposed Settlement and the settlement terms.

**2. What is this lawsuit about?** This lawsuit alleges that UCO violated and is violating Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88 ("Title IX") by depriving female student-athletes of treatment, opportunities, and benefits equal to those provided to male student-athletes at UCO and by retaliating against Plaintiffs for asserting their rights under Title IX. The named Plaintiffs asserted these claims on behalf of the Plaintiff Class. UCO denied Plaintiffs' claims and believes that it has at all times complied with Title IX. The Settlement would resolve all of these claims.

On May 16, 2022, Plaintiffs informed UCO that members of the women's indoor track & field team, outdoor track & field team, and cross country team were prepared to pursue class action litigation against UCO for discriminating against its female athletes and potential athletes in violation of Title IX unless UCO was willing to resolve Plaintiffs' Title IX sex discrimination claims on behalf of female student-athletes without litigation. Following months of settlement discussions, the parties did not resolve the claims. So, Plaintiffs filed their class action lawsuit on September 20, 2022. The Parties have been engaged in litigation since that date.

On [DATE], the Court certified this lawsuit as a class action, defining the Plaintiff Class as:

All female students at the University of Central Oklahoma from September 20, 2022, through June 30, 2028, who participate in intercollegiate athletics at the University of Central Oklahoma, seek to participate in intercollegiate athletics at the University of Central Oklahoma, and/or are deterred from participating in intercollegiate athletics at the University of Central Oklahoma because they might or may not receive athletic benefits, opportunities, or treatment equal to male student-athletes.

The Court appointed Tatum Robertson and Eve Brennan as representatives of the Plaintiff Class. The Court appointed Arthur Bryant, Lori Bullock, and Josh Hammack of Bailey & Glasser, LLP as the attorneys for the Plaintiff Class.

The Court has not yet conducted a trial on any claims asserted in the lawsuit. If the proposed Settlement is approved, there will not be a trial on these claims.

**3. What is a class action lawsuit?** In a class action lawsuit, one or more persons called "Class Representatives" sue on behalf of other people who all have similar claims. The people who all have similar claims are called the "Class" or "Class Members." The Class Representatives—and all Class Members like them—are called the plaintiffs. The parties they have sued are called the Defendants (in this case, the University of Central Oklahoma and the Board of Regents for the University of Central Oklahoma). The lawyers who represent the Class are called "Class Counsel." In a class action lawsuit, all factual questions and legal issues are resolved together for everyone in the Class in one case. Once the Court issues a final judgment in the class action lawsuit, that judgment will be binding on all Class Members.

**4. Why is there a proposed Settlement?** This case has been litigated by both parties. The Court did not decide whether the Plaintiffs or UCO are correct. Instead, both sides agreed to settle this case to avoid the cost, time, and uncertainty of further litigation. The Court has granted preliminary approval of the proposed Settlement. The settlement does not mean that UCO agrees that any law was broken or that UCO believes it did anything wrong. The class representatives and their attorneys think the settlement is best for the Plaintiff Class.

Attorneys for UCO and the Plaintiffs have engaged in extensive, arms-length negotiations, which were mediated by a neutral mediator from out of state. Counsel for UCO and the Plaintiffs also engaged in negotiations before working with the mediator. UCO and the Plaintiffs have been in ongoing settlement negotiations since January 10, 2023. The negotiations culminated in the proposed Settlement. The attorneys for the Plaintiff Class believe the terms and conditions of the settlement are fair, reasonable, and in the best interests of the class. In reaching this conclusion,

the attorneys for the Plaintiff Class have analyzed the benefits of the Settlement, the possible outcomes of further litigation, and the expense and length of continued proceedings necessary to prosecute the claims through trial and possible appeals.

Both sides agree that it would be preferable to devote UCO's resources to improving the athletic department for female students, rather than to expend those resources on litigation. UCO is committed to Title IX compliance and the Settlement will assist it in accomplishing that goal.

### **Those Who are Included in the Proposed Settlement**

**5. Am I part of the Class?** According to the Court's order, all women students from September 20, 2022 through June 30, 2028, who are presently participating in intercollegiate varsity athletics at UCO, and those women students who seek to participate and/or are deterred from participating in intercollegiate athletics at UCO are part of the Class.

**6. Am I included in the proposed Settlement?** If you are part of the Class, you will be included in the proposed Settlement, and it will apply to you if the Court approves the proposed Settlement.

### **Proposed Settlement Terms**

**7. What are the terms of the proposed Settlement?** This section will provide you with a summary of the provisions of the proposed Settlement. This is not all of the terms. You should read the entire Settlement to ensure that it protects your rights and interests.

As part of the proposed Settlement:

- UCO agrees to hire an appropriate outside individual, acceptable to Plaintiffs, to conduct a review of the varsity athletic program at UCO and compare the benefits, opportunities, and treatment provided to the male and female student-athletes, this review is called a Gender Equity Review. After the Gender Equity Review is completed, UCO will work with that individual to create a Gender Equity Plan that will detail the steps UCO will take to remedy any inequities discovered during the review. UCO will implement the Gender Equity Plan, ensuring the entire athletic department is in compliance with Title IX by the start of the 2027-28 academic year.
- UCO will provide reports regarding its compliance with the Gender Equity Plan once a year until June 30, 2028.
- UCO's obligation to comply with Title IX will continue after that.
- By the beginning of the 2024-25 academic year, UCO will provide the women's cross country and track and field teams with uniform, equipment, transportation, publicity, and practice schedules that are equal to those provided to the men's varsity teams.

- By the beginning of the 2024-25 academic year, UCO will also provide the women's cross country and track and field teams with practice facilities either on or near campus that are appropriate for a college Division II athletic team and will allow the members to these teams to practice together at one location. UCO will also provide competition facilities for these teams that are either on or near campus, so these women's teams will be able to host "home" competitions just as the men's teams do each year.

The proposed Settlement further provides that:

- UCO will not retaliate against the Plaintiffs or any class members for asserting their rights under Title IX or for taking actions necessary to ensure compliance with the Settlement.
- UCO will pay Plaintiffs' reasonable costs and reasonable attorneys' fees in an amount to be determined by the Court.

**8. What happens if the proposed Settlement is approved?** If the proposed Settlement is approved, the settlement terms will go into effect and the Class Members will be bound by the terms of the proposed Settlement and the Order that implements it.

**9. How do I accept the proposed Settlement?** You do not need to do anything to accept the proposed Settlement. If you are a Class Member, you will receive the applicable benefits of the proposed Settlement.

**10. Can I get out of the proposed Settlement if I don't like it?** If you are a Class Member, you cannot elect to get out of or "opt out" of the proposed Settlement if you do not like it. You can present an objection to the Court explaining your opposition and why you believe that it should not be approved for anyone. Those steps are described in Question 13.

### **The Lawyers Who Are Representing You**

**11. Do I have a lawyer representing me in this case?** Yes. The Court has appointed class Counsel in this case. They are Arthur Bryant, Lori Bullock, and Josh Hammack of Bailey & Glasser, LLP. Their contact information is listed below. As Class Counsel, each attorney is required to represent the interests of the Class in this lawsuit.

**12. How are the lawyers being paid for their work?** You do not have to pay the attorneys for the Class any money. UCO will pay Class Counsel's reasonable costs and reasonable attorneys' fees in an amount to be determined by the Court. The attorneys' fees to be paid will be Class Counsel's reasonable hours multiplied by their hourly rates. Class Counsel will submit an application to the Court, detailing their costs and attorneys' fees, when the proposed Settlement is submitted to the Court for approval. They will file a supplemental application to the Court, detailing any additional costs and attorneys' fees incurred, after that. If you have any questions about the costs or attorneys' fees in this case, you can reach out to Class Counsel at the contact information listed below or review the public filings as instructed in Question 19. You may also support, comment on, or object to Class Counsel's application for costs and attorney's fees through

the same process through which you can support, comment on, or object to the proposed Settlement, discussed below.

**Supporting or Objecting to the Proposed Settlement**

**13. How do I tell the Court that I like or do not like the proposed Settlement?** You can tell the Court why the proposed Settlement should, or should not, be approved. You may submit a comment telling the Court that you like the proposed Settlement and that you think it should be approved. You may also object to the proposed Settlement by telling the Court that you do not like the proposed Settlement and do not think it should be approved. The Court will consider comments and objections from Class Members. You are not required to submit any comments or objections.

To comment on or object to the proposed Settlement, you must send a letter or email to the Clerk of the Court or if you decide to hire your own attorney you may have your attorney send a letter or email on your behalf. The letter or email must include the following information:

- your full name, mailing address, and email address;
- a statement that you are commenting on or objecting to the proposed Settlement in *Robertson, et al. v. University of Central Oklahoma, et al.*, Case No. 22-cv-836-HE.
- the factual and/or legal reasons for your comment on or objection to the proposed Settlement;
- any documents supporting your comment or objection;
- whether you would like to speak at the Fairness Hearing (see Questions 14 through 17 below for information about the Fairness Hearing); and
- your signature or signature of your attorney if you hire an attorney.

**The deadline to submit a comment or objection is [DATE].** You must mail your comment or objection to the Clerk of the Court so it is received no later than **[DATE TWO WEEKS BEFORE FAIRNESS HEARING]**.

Clerk of Court  
U.S. District Court for the Western District of Oklahoma,  
200 N.W. 4th St.  
Oklahoma City, OK 73102

Please also provide a copy of your comment or objection by mail or email to the attorney for Plaintiffs and the attorney for Defendants (UCO) at the same time that you send it to the Court.

**Attorney for Plaintiffs**

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**ALL COMMENTS AND OBJECTIONS MUST BE IN WRITING AND MUST BE RECEIVED BY THE CLERK'S OFFICE ON OR BEFORE [DATE TWO WEEKS BEFORE FAIRNESS HEARING].**

If you comment on or object to the proposed Settlement, you should explain your reason for doing so. The Court may reject any comments or objections that it deems frivolous or that are made for an improper purpose. You are not required to submit a comment or objection. Class Counsel will still represent the collective interests of the Class. If you choose not to submit a comment or objection, you will waive your right to be heard individually at the Fairness Hearing on whether to approve the proposed Settlement and any right of appeal that you may have.

**Fairness Hearing**

**14. What is the Fairness Hearing?** The Fairness Hearing is a session of the Court during which the Court will hear arguments from the lawyers for the parties, and possibly from Class Members, on whether the Court should approve the proposed Settlement. At this hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may or may not choose to hear testimony and receive additional evidence to help the Court make its decision.

At or after the Fairness Hearing, the Court will decide whether to approve the proposed Settlement. There is no specific deadline for the Court to issue its decision. If there are no objections from any Class Member to the proposed Settlement, the Court will adjourn the hearing and enter its Order of Approval of the final Settlement Agreement.

**15. When and Where will it Occur?** The Court has scheduled a Fairness Hearing for **DATE at TIME in Courtroom \_\_\_\_**. The Honorable Judge Joe Heaton will preside over the hearing, which will be held at the U.S. District Court for the Western District of Oklahoma, 200 N.W. 4th St. Oklahoma City, OK 73102.

The hearing may be moved to a different date or time without notice, so if you plan to attend, you should call or email Class Counsel for current information.

**16. Do I Have to Attend the Fairness Hearing?** No. Class Counsel will answer any questions that the Court has and will make arguments on behalf of the entire Class. Even though you are not required to attend, you may participate in the hearing at your own expense. If you send a comment or an objection, you do not have to attend the hearing. As long as you send your comment or objection according to the requirements of Question 13, the Court will consider it. You may also pay your own lawyer to participate, but it is not necessary.

**17. May I Speak at the Fairness Hearing?** You and/or a separate attorney that you hire at your own expense, may ask the Court's permission to speak at the hearing concerning the proposed Settlement. To do so, you must send a notice that you would like to speak by **[DATE]**. The required content of your notice to speak at the Fairness Hearing is outlined in the answer to Question 13.



**If You Do Nothing**

**18. What happens if I don't do anything?** If you are a Class Member, you will be included in the proposed Settlement if it is approved. See Question 6 for more information.

**More Information**

**19. Where can I get more information?** The terms of the proposed Settlement are only summarized in this notice. For the precise and full terms and conditions of the proposed Settlement, please see the full Settlement Agreement posted on the websites of the Bailey & Glasser, LLP law firm [INSERT URL HERE] or the UCO website [INSERT URL HERE].

All other papers filed in the Litigation, are available for inspection in the office of the Clerk of Court's office of the U.S. District Court for the Western District of Oklahoma, 200 N.W. 4th St. Oklahoma City, OK 73102. Unless otherwise ordered by the Court, any class members who do not make known their objections or opposition to the Settlement in the manner described above shall be deemed to have waived all objections and opposition to the fairness, reasonableness, and adequacy of the Settlement and any other matters pertaining to the claims asserted in the Litigation.

**20. What happens after the Fairness Hearing?** If the Court approves the proposed Settlement, it will bind all members of the class. As a result, any person who is a member of the Plaintiff Class will be barred from separately seeking relief for claims covered by the Settlement.

**IF YOU DO NOT OPPOSE THIS PROPOSED SETTLEMENT, YOU DO NOT NEED TO DO ANYTHING, APPEAR, OR FILE ANYTHING IN WRITING.**

You have the right to consult with the attorneys for the Plaintiffs in this lawsuit and ask them any questions you may have. If you have questions or want additional information, you may contact class counsel:

- Lori Bullock (515-416-9051; [lbullock@baileyglasser.com](mailto:lbullock@baileyglasser.com));
- Joshua Hammack (202-463-2101; [jhammack@baileyglasser.com](mailto:jhammack@baileyglasser.com)) or
- Arthur Bryant (510-272-8000; [abryant@baileyglasser.com](mailto:abryant@baileyglasser.com)).

**PLEASE DO NOT CONTACT THE COURT OR THE ATTORNEYS FOR UCO WITH QUESTIONS ABOUT THE SETTLEMENT, THE PROPOSED SETTLEMENT AGREEMENT, OR THIS NOTICE. CONTACT CLASS COUNSEL OR COUNSEL OF YOUR CHOICE.**